

EXTRAORDINARY

भाग II - खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके। Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 24-11-2000.

BILL No. 130 of 2000

A Bill further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Fifty-first Year of the republic of India as follows:—

1. (1) This Act may be called the Representation of the People (Amendment) Act, 2000.

Short title and commencement

- (2) It shall come into force at once.
- 43 of 1951.
- 2. In section 8 of the Representation of the People Act, 1951, in sub-section (3), the following proviso shall be added at the end, namely:—

Amendment of section 8.

45 of 1860. 2 of 1974. "Provided that a person who is accused of an offence under section 300 of the Indian Penal Code, 1860 and against whom a charge has been framed under section 228 of the Code of Criminal Procedure, 1973 shall be disqualified from the date on which such charge has been framed".

STATEMENT OF OBJECTS AND REASONS

People with serious criminal charges against them manage to enter Legislature. If this trend continues, the character of our Legislature will change and they will no longer be democratic institutions. This trend needs to be curbed in order to save democracy in our Country.

This Bill seeks to achieve this objective by amending the Representation of the People Act, 1951. Under the existing provisions, a person is disqualified from contesting an election only if he is convicted of an offence punishable with not less than two years of imprisonment. To secure a conviction in murder cases especially those people who have a lot of resources and muscle power is extremely difficult. Thus the object of the law remains unattained.

This Bill seeks to provide that on charges being framed under Section 228 of the Code of Criminal Procedure in murder cases, the person shall stand disqualified. The object of the Bill is to keep out persons accused of murder from Legislature.

New Delhi;

RAMESH CHENNITHALA

July 24, 2000.

BILL No. 156 of 2000

A Bill to provide for the creation of a Legislative Assembly for the Union territory of Daman and Diu and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

PARTI

PRELIMINARY

1. (1) This Act may be called the Government of Union Territory of Daman and Diu Act, 2000.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazett, appoint:

Provided that different dates may be appointed for different provisions of the Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Definitions.

- 2. In this Act, unless the context otherwise requires,—
 - (a) "article" means an article of the Constitution;
- (b) "assembly constituency" means a constituency provided under this act for the purpose of election to the Legislative Assembly;
- (c) "Election Commission" means the Election Commission referred to in article 324;
- (d) "Legislative Assembly" means the Legislative Assembly of the Union territory of Daman and Diu;
- (e) "Scheduled Castes/Scheduled Tribes" in relation to the Union territory means such castes, races or tribes or parts of or groups within such castes, races or tribes as are deemed under articles 341 and 342 of the Constitution to be Scheduled Caste or Scheduled Tribe in relation to that Union territory; and
 - (f) "Union territory" means the Union territory of Daman and Diu.

PART II

LEGISLATIVE ASSEMBLY

Legislative Assembly and its composition.

- 3. (1) The total number of seats in the Legislative Assembly to be filled by persons chosen by direct election from territorial constituencies shall be forty.
- (2) For the purposes of election to the Legislative Assembly, the Union territory shall be divided into single-member assembly constituencies in accordance with the provisions of Part III in such manner that the population of each of the constituencies shall, so far as practicable, be the same throughout the Union territory.
- (3) Seats shall be reserved for the Scheduled Castes and Scheduled Tribes in the Legislative Assembly, and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats in the Assembly as the population of the Scheduled Castes or Scheduled Tribes in the Union territory bears to the total population of the Union territory.

Qualifications for membership of Legislative Assembly.

- 4. A person shall not be qualified to be chosen to fill a seat in the Legislative Assembly unless he,—
 - (a) is a citizen of India and makes and subscribes before some person authorised in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Schedule;
 - (b) is not less than twenty-five years of age; and
 - (c) possess such other qualifications as may be prescribed in that behalf by or under any law made by Parliament.

Duration of Legislative Assembly. 5. The Legislative Assembly unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer and the expiration of the said period of five years shall operate as a dissolution of the Assembly:

Provided that the said period may be extended as while a proclamation of emergency issued under clause (1) of article 352 is in operation, by the President by order for a period not exceeding one year at a time and not extending it in any case beyond a period of six months after the proclamation has ceased to operate.

Session of Legislative Assembly, prorogation and dissolution.

- 6. (1) The Lieutenant Governor shall, from time to time; summon the Legislative Assembly to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.
 - (2) The Lieutenant Governor may, from time to time:—
 - (a) prorogue the Assembly:
 - (b) dissolve the Assembly.

7. (1) The Legislative Assembly shall, as soon as may be, choose two members of the Assembly to be respectively the Speaker and the Deputy Speaker thereof and, so often as the office of the Speaker of the Deputy Speaker becomes vacant, the Assembly shall choose another member to be the Speaker or the Deputy Speaker, as the case may be.

Speaker and Deputy Speaker of Legislative Assembly.

- (2) A member holding office as Speaker or Deputy Speaker of the Legislative Assembly—
 - (a) shall vacate his office if he ceases to be a member of the Assembly;
 - (b) may at any time by writing under his hand addressed, if such member is the Speaker, to the Deputy Speaker, and if such member is the Deputy Speaker to the Speaker resign his office; and
 - (c) may be removed from his office by a resolution of the Assembly passed by a majority of all the then members of the Assembly:

Provided that no resolution for the purpose of clause (c) shall be moved unless at least fourteen days notice has been given of the intention to move the resolution:

Provided further that whenever the Assembly is dissolved, the Speaker shall not vacate his office until immediately before the first meeting of the Assembly after the dissolution.

- (3) While the office of Speaker is vacant, the duties of the office shall be performed by the Deputy Speaker, if the office of Deputy Speaker is also vacant, by such member of the Assembly as may be determined by the rules of procedure of the Assembly.
- (4) During the absence of the Speaker from any sitting of the Assembly, by the Deputy Speaker, or if he is also absent, such person as may be determined by the rules of procedure of the Assembly, or if no such person is present, such other person as may be determined by the Assembly, shall act as Speaker.
- (5) There shall be paid to the Speaker and the Deputy Speaker of the Legislative Assembly such salaries and allowances as may be respectively fixed by the Legislative Assembly by law and until provision in that behalf is so made, such salaries and allowances as the Lieutenant Governor may, with the approval of the President, by order determine.
- 8. (1) At any sitting of the Legislative Assembly while any resolution for the removal of the Speaker from his office is under consideration, the Speaker, or while any resolution for the removal of the Deputy Speaker from his office is under consideration, the Deputy Speaker, shall not, though he is present, preside and the provisions of sub-section (4) of section 7 shall apply in relation to every such sitting as they apply in relation to a sitting from which the Speaker or, as the case may be the Deputy Speaker is absent.
- Speaker not to preside while a resolution for his removal from office is under consideration.

Speaker or

Deputy

- (2) The Speaker shall have the right to speak in and otherwise to take part in the proceedings of the Legislative Assembly while any resolution for his removal from office is under consideration in the Assembly and shall, notwithstanding anything in section 13, be entitled to vote only in the first instance on such resolution or on any other matter during such proceedings but not in the case of an equality of votes.
- 9. (1) The Lieutenant Governor may address the Legislative Assembly and for that purpose require the attendance of members.
- (2) The Lieutenant Governor may send message to the Legislative Assembly whether with respect to a Bill then pending in the Assembly or otherwise and when a message is so sent, the Assembly shall with all convenient despatch consider any matter required by the message to be taken into consideration.

Right of Lieutenant Governor to address and send message to Legislative Assembly. Special address by the Lieutenant Governor.

- 10. (1) At the commencement of the first session after each general election to the Legislative Assembly at the commencement of the first session of each year, the Lieutenant Governor shall address the Legislative Assembly and inform it of the causes of its summons.
- (2) Provision shall be made by rules to be made by the Assembly regulating its procedure for the allotment of time for discussion of the matters referred to in such address.

Rights of Ministers as respects Legislative Assembly.

Oath or affirmation by member.

Voting in Legislative Assembly and Power of Assembly to act notwithstanding vacancies and quorum.

- 11. Every Minister who is not a member of the Legislative Assembly shall have the right to speak in and otherwise to take part in the proceedings of the Legislative Assembly and to speak in and otherwise to take part in the proceedings of any committee of the Legislative Assembly which he may be named a member, but shall not by virtue of this section be entitled to vote.
- 12. Every member of the Legislative Assembly shall, before taking his seat, make and subscribe before the Lieutenant Governor or some person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose in the Schedule.
- 13. (1) Save as otherwise provided in the Act, question at any sitting of the Legislative Assembly shall be determined by a majority of votes of the members present and voting other than the Speaker or person acting as such.
- (2) The Speaker or person acting as such shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.
- (3) The Legislative Assembly shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in the Legislative Assembly shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do, sat or voted or otherwise took part in the proceedings.
- (4) The quorum to constitute a meeting of the Assembly shall be one-third of the total number of members of the Assembly.
- (5) If at any time during a meeting of the Legislative Assembly there is no quorum, it shall be the duty of the Speaker, or person acting as such, either to adjourn the Assembly or to suspend the meeting until there is a quorum.

Vacation of seats.

14. (1) No person shall be a member both of Parliament and of the Legislative Assembly and if a person is chosen a member both of Parliament and of such Assembly, then at the expiration of such period as is specified in or under the Representation of the People Act, 1951, and the rules made by the President under clause (2) of article 190, that person's seat in Parliament shall become vacant, unless he had previously resigned his seat in the Legislative Assembly.

43 of 1951.

- (2) If a member of the Legislative Assembly—
- (a) becomes subject to any disqualification mentioned in section 15 or section 16 for membership of the Assembly; or
- (b) resigns his seat by writing under his hand addressed to the Speaker and his resignation is accepted by the Speaker,

his seat shall thereupon become vacant:

Provided that in the case of any resignation referred to in clause (b), if from the information received or otherwise and after making such inquiry as he thinks fit, the Speaker is satisfied that such resignation is not voluntary or genuine he shall not accept such resignation.

(3) If for a period of sixty days a member of the Legislative Assembly is without permission of the Assembly absent from all meetings thereof, the Assembly may declare his seat vacant:

Provided that in computing the said period of sixty days no account shall be taken of any period during which the Assembly is prorogued or is adjourned for more than four consecutive days.

15. (1) A person shall be disqualified for being chosen as, and for being, a member of the Legislative Assembly—

Disqualification for membership.

- (a) if he holds any office of profit under the Government of India or the Government of any State or the Government of any Union territory other than an office declared by law made by Parliament or by the Legislature of any State or by the Legislative Assembly of any other Union territory not to disqualify its holder; or
- (b) if he is for the time being chosen as, and for being, a member of either House of Parliament under the provisions of sub-clause (b) or sub-clause (c) of sub-clause (l) of article 102 or of any law made in pursuance of that article.
- (2) For the purpose of the section, a person shall not be deemed to hold an office of profit under the Government of India or the Government of any State or the Government of any Union territory by reason only that he is a Minister either for the Union or for such State or Union territory.
- (3) If any question arises as to whether a member of the Legislative Assembly has become disqualified for being such a member under the provisions of sub-section (1), the question shall be referred for the decision of the President and his decision shall be final.
- (4) Before giving any decision on any such question, the President shall obtain the opinion of the Election Commission and shall act according to such opinion.
- 16. The provisions of the Tenth Schedule to the Constitution shall, subject to the necessary modifications (including modifications for construing references therein to the Legislative Assembly of a State, article 188, article 194 and article 212 as references, respectively, to the Legislative Assembly, section 12, section 18 and section 37 of this Act), apply to and in relation to the members of the Legislative Assembly of a State and accordingly:—

Disqualification on ground of defection.

- (a) the said Tenth Schedule as so modified shall be deemed to form part of this Act; and
- (b) a person shall be disqualified for being a member of the Legislative Assembly if he is so disqualified under the said Tenth Schedule as so modified.
- 17. If a person sits or votes as a member of the Legislative Assembly before he has complied with requirements of section 12 or when he knows that he is not qualified or that he is disqualified for membership thereof, he shall be liable in respect of each day on which he so sits or votes to a penalty of five hundred rupees to be recovered as a debt due to the Union.

Penalty for sitting and votingbefore making oath or affirmation or when not qualified or when disqualified.

18. (1) Subject to the provisions of this Act and to the rules and standing orders regulating the procedure of the Legislative Assembly, there shall be freedom of speech in the Legislative Assembly.

Powers, Privileges, etc., of members.

- (2) No member of the Legislative Assembly shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Legislative Assembly or any committee thereof and no person shall be so liable in respect of the publication by or under the authority of such Assembly of any report, paper, votes or proceedings.
- (3) In other respects, the powers, privileges and immunities of the Legislative Assembly and of the members and the committees thereof shall be such as are of the time being enjoyed by the House of the People and its members and committees.
- (4) The provisions of sub-sections (1), (2) and (3) shall apply in relation to persons who by virtue of this Act have the right to speak in, and otherwise to take part in the proceedings, of the Legislative Assembly or any committee thereof as they apply, in relation to members of that Assembly.

Salaries and allowances of members.

19. Members of the Legislative Assembly shall be entitled to receive such salaries and allowances as may from time to time be determined by the Legislative Assembly by law and until provision in that behalf if so made, such salaries and allowances as the Lieutenant Governor may, with the approval of the President, by order determine.

Exemption of property of the Union from taxation,

20. The property of the Union shall, save in so far as Parliament may by law otherwise provide, be exempted from all taxes imposed by or under any law made by the Legislative Assembly or by under any other law in force in the Union territory:

Provided that nothing in this section shall, until Parliament by law otherwise provides, prevent any authority within the Union territory from levying any tax on any property of the Union to which such property was immediately before the commencement of the Constitution liable or treated as liable, so long as the tax continues to be levied in the Union territory.

Restrictions on laws passed by Legislative Assembly with respect to certain matters.

- 21. (1) The provisions of articles 286, 287 and 288 shall apply in relation to any law passed by the Legislative Assembly with respect to any of the matters referred to in those articles as they apply in relation to any law passed by the Legislature of a State with respect to those matters.
- (2) The provisions of article 304 shall, with the necessary modifications, apply in relation to any law passed by the Legislative Assembly with respect to any of the matters referred to in that article as they apply in relation to any law passed by the Legislature of a State with respect to those matters.

Special provisions as to Financial Bills.

- 22. (1) A Bill or amendment shall not be introduced into, or moved in, the Legislative Assembly except on the recommendation of the Lieutenant Governor if such Bill or amendment makes provision for any of the following matters, namely:—
 - (a) the imposition, abolition, remission, alteration or regulation of any tax;
 - (b) the amendment of the law with respect to any financial obligations undertaken or to be undertaken by the Government of the Union territory;
 - (c) the appropriation of moneys out of the Consolidated Funds of the Union territory;
 - (d) the declaring of any expenditure to the expenditure charged on the Consolidated Fund of the Union territory or the increasing of the amount of any such expenditure:
 - (e) the receipt of money on account of the Consolidated Fund of the Union territory or the custody of such money:

Provided that no recommendation shall be required under this sub-section for the moving of an amendment making provision for the reduction or abolition of any tax.

- (2) A Bill or amendment shall not be deemed to make provision for any of the matters aforesaid by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licence or fees for services rendered, or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.
- (3) A Bill wmch, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of the Union territory shall not be passed by the Legislative Assembly unless the Lieutenant Governor has recommended to that Assembly the consideration of the Bill.

Procedure as to lapsing of Bills.

- 23. (1) A Bill pending in the Legislative Assembly shall not lapse by reason of the prorogation of the Assembly.
- (2) A Bill which is pending in the Legislative Assembly shall, lapse on a dissolution of the Assembly.

24. When a Bill has been passed by the Legislative Assembly it shall be presented to the Lieutenant Governor and he shall declare either that he assents to the Bill or that he withholds assent therefrom or that he reserves the Bill for the consideration of the President:

Assent to Bills.

Provided that the Lieutenant Governor may, as soon as possible after the presentation of the Bill for his assent, return the Bill if it is not a Money Bill together with a message requesting that the Assembly will reconsider the Bill or any specified provisions thereof, and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message and, when a Bill is so returned, the Assembly will reconsider the Bill accordingly and if the Bill is passed again with or without amendment and presented to the Lieutenant Governor for assent, he shall declare either that he assents, to the Bill or that he reserves the Bill for the consideration of the President:

Provided further that the Lieutenant Governor shall not assent to, but shall reserve for the consideration of the President, any Bill which,—

- (a) in the opinion of the Lieutenant Governor would, if it became law, so derogate from the powers of the High Court as to endanger the position which that Court is, by the Constitution, designed to fill; or
 - (b) the President may, by order, direct to be reserved for his consideration; or
- (c) relates to matter referred to in sub-section (5) of section 7 or section 19 or section 34 or sub-section (3) of section 43.

Explanation.—For the purposes of this section and section 25, a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the matters specified in sub-section (1) of section 22 or any matter incidental to any of those matters and, in either case, there is endorsed thereon the certificate of the Speaker of the Legislative Assembly signed by him that it is a Money Bill.

25. When a Bill is reserved by the Lieutenant Governor for the consideration of the President, the President shall declare either that he assents to the Bill or that he withholds assent therefrom:

Bills reserved for consideration.

Provided that where the Bill is not a Money Bill, the President may direct the Lieutenant Governor to return the Bill to the Legislative Assembly together with such a message as is mentioned in the first proviso to section 24 and, when a Bill is so returned, the Assembly shall reconsider it accordingly within a period of six months from the date of receipt of such message and, if it is again passed by the Assembly with or without amendment it shall be presented again to the President for his consideration.

26. No Act of the Legislative Assembly, and no provision in any such Act, shall be invalid by reason only that some previous sanction or recommendation required by this act was not given, if assent to that Act was given by the Lieutenant Governor or, one being reserved by the Lieutenant Governor for the consideration of the President, by the President.

Requirements as to sanction,

- 27. (1) The Lieutenant Governor shall in respect of every financial year cause to be laid before the Legislative Assembly, with the previous sanction of the President, a statement of the estimated receipts and expenditure of the Union territory for the year, in this part referred to as the "annual financial statement".
- Annual financial statement
- (2) The estimates of expenditure embodied in the annual financial statement shall show separately—
 - (a) the sums required to meet expenditure described by this Act as expenditure charged upon the Consolidated Fund of the Union territory; and
 - (b) the sums required to meet other expenditure proposed to be made from the Consolidated Fund of the Union territory and shall distinguish expenditure on revenue account from other expenditure.

- (3) Notwithstanding anything contained in any law for the time being in force, the following expenditure shall be expenditure charged on the Consolidated Fund of the Union territory:—
 - (a) the emoluments and allowances of the Lieutenant Governor and other expenditure relating to his office as determined by the President by general or special order:
 - (b) the charges payable in respect of loans advanced to the Union territory from the Consolidated Fund of India including interest, sinking fund charges and redemption charges and other expenditure connected therewith;
 - (c) the salaries and allowances of the Speaker and the Deputy Speaker of the Legislative Assembly;
 - (d) any sums required to satisfy any judgement, decree or award of any court or arbitrator or tribunal;
 - (e) any other expenditure declared by the Constitution or by law made by Parliament or by the Legislative Assembly to be so charged.

Procedure in Legislative Assembly with respect to estimates.

- 28. (1) So much of the estimates as relates to expenditure charged upon the Consolidated Fund of the Union territory shall not be submitted to the vote of the Legislative Assembly but nothing in this sub-section shall be construed as preventing the discussion in the Legislative Assembly of any of those estimates.
- (2) So much of the said estimates as relates to other expenditure shall be submitted in the form of demands for grants to the Legislative Assembly, and the Legislative Assembly shall have the power to assent or to refuse to assent, to any demand, or to assent to any demand subject to a reduction of the amount specified therein.
- (3) No deemed for a grant shall be made except on the recommendation of the Lieutenant Governor.

Appropriation Bills.

- 29. (1) As soon as may be after the grants under section 28 have been made by the Legislative Assembly, there shall be introduced a Bill to provide for the appropriation out of the Consolidated Fund of the Union territory of all moneys required to meet—
 - (a) the grants so made by the Assembly; and
 - (b) the expenditure charged on the Consolidated Fund of the Union territory but not exceeding in any case the amount shown in the statement previously laid before the Assembly.
- (2) No amendment shall be proposed to any such Bill in the Legislative Assembly which will have the effect of varying the amount or altering the destination of any grant made or of varying the amount of any expenditure charged on the Consolidated Fund of the Union territory and the decision of the person presiding as to whether an amendment is inadmissible under this sub-section shall be final.
- (3) Subject to the other provisions of this act, no money shall be withdrawn from the Consolidated Fund of the Union territory except under appropriation made by law passed in accordance with provisions of this section.
 - 30. (1) The Lieutenant Governor shall,—
 - (a) if the amount authorised by any law made in accordance with provisions of section 29 to be expended for a particular service for the current financial year is found to be insufficient for the purposes of that year or when a need has arisen during the current financial year for supplementary or additional expenditure upon some new service not contemplated in the annual financial statement for that year, or

Supplementary, additional or excess grants.

- (b) if any money has been spent on any service during a financial year in excess of the amount granted for that service and for that year, cause to be laid before the Legislative Assembly, with the previous sanction of the President, another Statement showing be estimated amount of that expenditure or cause to be presented to the Legislative Assembly with such previous sanction a demand for such excess, as the case may be.
- (2) The provisions of sections 27, 28 and 29 shall have effect in relation to any such statement and expenditure or demand and also to any law to be made authorising the appropriation of money out of the Consolidated Fund of the Union territory to meet such expenditure or the grant in respect of such demand as they have effect in relation to the annual financial statement and the expenditure mentioned therein or to a demand for a grant and the law to be made for the authorisation or appropriation of moneys out of the Consolidated Fund of the Union territory to meet such expenditure or grant.
- 31. (1) Notwithstanding anything in the foregoing provisions of this Part, the Legislative Assembly shall have power to make any grant in advance in respect of the estimated expenditure for a part of any financial year pending the completion of the procedure prescribed in section 28 for the voting of such grant and passing of the law in accordance with the provisions of section 29 in relation to that expenditure and the Legislative Assembly shall have power to authorise by law the withdrawal of moneys from the Consolidated Fund of the Union territory for the purposes for which the said grant is made.

Votes on account.

- (2) The provisions of sections 28 and 29 shall have effect in relation to the making of any grant under sub-section (1) or to any law to be made under that sub-section as they have effect in relation to the making of a grant with regard to any expenditure mentioned in the anual financial statement and the law to be made for the authorisation of appropriation of moneys, out of the Consolidated Fund of the Union territory to meet such expenditure.
- 32. Notwithstanding anything in the foregoing provisions of this Part, the Lieutenant Governor may authorise such expenditure from the Consolidated Fund of the Union territory as he deems necessary for a period of not more than six months beginning from the date of the constitution of the Consolidated Fund of the Union territory, pending the sanction of such expenditure by the Legislative Assembly.

Authorisation of expenditure pending its sanction by Legislative Assembly.

33. (1) The Legislative Assembly may make rules regulating subject to the provisions of this Act, its procedure and the conduct of its business:

Rules of Procedure.

Provided that the Lieutenant Governor shall, after consultation with the Speaker of the Legislative Assembly and with the approval of the President make rules—

- (a) for securing the timely completion of financial business;
- (b) for regulating the procedure of, and the conduct of business in, the Legislative Assembly in relation to any financial matter or to any Bill for the appropriation of moneys out of the Consolidated Fund of the Union territory;
- (c) for prohibiting the discussion of, or the asking of questions on, any matters which affects the discharge of the functions of the Lieutenant Governor in so far as he is required by or under this Act or any law to act in his discretion.
- (2) Until rules are made under sub-section (1), the rules of procedure and standing orders with respect to the Legislative Assembly of the State of Uttar Pradesh in force immediately before the commencement of this Act shall have effect in relation to the Legislative Assembly subject to such modifications and adaptations as may be made therein by the Lieutenant Governor.
- **34.** (1) The Legislative Assembly may by law adopt any one or more of the languages in use in the Union territory or Hindi as the official language or languages to be used for all or any of the official purposes of the Union territory:

Provided that the President may by order direct-

(i) that the official language of the Union shall be adopted for such of the official

Official language or languages of the Union territory and language or languages to be used in Legislative Assembly. purposes of the Union territory as may be specified in the order.

- (ii) that any other language shall also be adopted throughout the Union territory or such part thereof for such of the official purposes of the Union territory as may be specified in the order if the President is satisfied that a substantial proportion of the population of the Union territory desires the use of that other language for all or any of such purposes.
- (2) The business in the Legislative Assembly shall be transacted in the official language or languages of the Union territory or in Hindi or in English:

Provided that the Speaker of the Legislative Assembly or the person acting as such, as the case may be, may permit any member who cannot adequately express himself in any of the languages aforesaid, to address the Assembly in his mother-tongue.

Languages to be used for Bills, Acts, etc.

- 35. Notwithstanding anything contained in section 34 until Parliament by law otherwise provides, the authoritative texts—
 - (a) of all Bills to be introduced or amendments thereto to be moved in the Legislative Assembly;
 - (b) of all Acts passed by the Legislative Assembly; and
 - (c) of all orders, rules, regulations and bye-laws issued under any law made by the Legislative Assembly shall be in English language:

Provided that where the Legislative Assembly has prescribed any language other than the English language for use in Bills introduced in, or Acts passed by, the Legislative Assembly or in any order, rule, regulation or bye-law issued under any law made by the Legislative Assembly, a translation of the same in the English language published under the authority of the Lieutenant Governor in the official Gazette shall be deemed to be the authoritative text thereof in the English language.

Restrictions on discussion in the Legislative Assembly. Courts not to inquire into proceedings of Legislative Assembly.

- 36. No discussion shall take place in the Legislative Assembly with respect to the conduct of any Judge of the Supreme Court or of a High Court in the discharge of his duties.
- 37. (1) The validity of any proceedings in the Legislative Assembly shall not be called in question on the ground of any alleged irregularity of procedure.
- (2) No officer or member of the Legislative Assembly in whom powers are vested by or under this Act for regulating procedure or the conduct of business, or for maintaining order in the Legislative Assembly shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

PART III

DELIMITATION OF CONSTITUENCIES

Election Commission to delimit constituencies.

- 38. (1) The Election Commission shall, in the manner herein provided, distribute the seats assigned to the Legislative Assembly under section 3 to single-member territorial constituencies and delimit them having regard to the following provisions, namely:—
 - (a) all constituencies shall, as far as practicable, be delimited in such manner that the ratio between the population of each of such constituencies and the total population of the Union territory is the same; and
 - (b) constituencies in which seats are reserved for the Scheduled Castes or Scheduled Tribes shall, as far as possible, be located in areas where the proportion of the population to the total population is comparatively large.
 - (2) The Election Commission shall-
 - (a) publish its proposals for the delimitation of constituencies in the official Gazette and also in such other manner as the Commission may consider fit together with a notice inviting objections and suggestions in relation to proposals and specifying a date on or after which their proposals will be further considered by it;

- (b) consider all objections and suggestions which may have been received by it before the date so specified;
- (c) after considering all objections and suggestions which may have been received by it before the date so specified, finalise delimitation of constituencies and cause such order or orders to be published in the official Gazette; and upon such publication, the order or orders shall have the full force of law and shall not be called in question in any court.
- 39. The Election Commission may from time to time, by notification in the official Gazette,—
 - (a) correct any printing mistakes in any order made under section 38 or any error arising therein from inadvertent slip or omission; and
 - (b) where the boundaries or name of any territorial division mentioned in any such order are or is altered, make such amendments as appear to it to be necessary or expedient for bringing such order up to date.
- 40. (1) For the purpose of constituting the Legislative Assembly, a general election will be held as soon as may be after the delimitation of all the assembly constituencies under section 38.

Election to the Legislative Assembly.

Power of Election

maintain delimitation

date.

orders up to

Commission to

(2) For the purposes of sub-section (1), the Lieutenant Governor shall, by one or more notifications published in the Official Gazette, call apon all the said assembly constituencies to elect members in accordance with the provisions of the Representation of the People Act, 1951 and of the rules and orders made or issued thereunder as applicable under sub-section (3).

43 of 1950. 43 of 1951.

43 or 351.

(3) The Representation of People Act, 1950, the Representation of the People Act, 1951 the rules and orders made or issued under the said Acts and all other laws for the time being in force relating to the elections shall apply with necessary modifications (including modifications for construing references therein to a State, State Government and Governor as including references to the Union territory, Government of the Union territory and Lieutenant Governor, respectively) to, and in relation to, the general election referred to in sub-section (1).

PART IV

CERTAIN PROVISIONS RELATING TO LIEUTENANT GOVERNOR AND MINISTERS

- 41. (1) The Lieutenant Governor shall act in his discretion in a matter—
- (i) which falls outside the purview of the powers conferred on the Legislative Assembly but in respect of which powers or functions are entrusted or delegated to him by the President, or
- (ii) in which he is required by or under any law to act in his discretion or to exercise any judicial or quasi-judicial functions.
- (2) if any question arises as to whether any matter is or is not a matter as respects which the Lieutenant Governor is by or under any law required to act in his discretion, the decision of the Lieutenant Governor thereon shall be final
- (3) If any question arises as to whether any matter is or is not a matter as respects which the Lieutenant Governor is required by any law to exercise any judicial or quasi-judicial functions, the decision of the Lieutenant Governor thereon shall be final.
- 42. The question whether any, and if so what, advice was tendered by Ministers to the Lieutenant Governor shall not be inquired into in any court.
- 43. (1) Before a Minister enters upon his office, the Lieutenant Governor shall administer to him the oaths of office and of secrecy according to the forms set out for the purpose in the Schedule.

Matters in which Lieutenant Governor to act in his discretion.

Advice by Ministers.

Other provisions as to Ministers.

- (2) A Minister who, for any period of six months, is not a member of the Legislative Assembly, at the expiration of that period, shall cease to be a Minister.
- (3) The salaries and allowances of Ministers shall be such as the Legislative Assembly may from time to time by law determine and until the Legislative Assembly so determines, shall be determined by the Lieutenant Governor with the approval of the President.

Conduct of business.

Duties of Chief Minister

as respects the furnishing of

information,

etc. to the Lieutenant

Governor.

- 44. (1) The President shall make rules—
- (a) for the allocation of business to the Ministers in so far as it is business with respect to which the Lieutenant Governor is required to act on the aid and advice of his Council of Ministers; and
- (b) for the more convenient transaction of business the Ministers, including the procedure to be adopted in the case of a difference of opinion between the Lieutenant Governor and the Council of Ministers or a Minister.
- (2) Save as otherwise provided in this Act, all executive actions of the Lieutenant Governor whether taken on the advice of his Ministers or otherwise shall be expressed to be taken in the name of the Lieutenant Governor.
- (3) Orders and other instruments made and executed in the name of the Lieutenant Governor shall be authenticated in such manner as may be specified in rules to be made by the Lieutenant Governor and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the Lieutenant Governor.

45. It shall be the duty of the Chief Minister-

- (a) to communicate to the Lieutenant Governor all decisions of Council of Ministers relating to the administration of the affairs of the Union territory and proposals for legislation;
- (b) to furnish such information relating to the administration of the affairs of the Union territory and proposals for legislation as Lieutenant Governor may call for; and
- (c) if the Lieutenant Governor so requires, to submit for the consideration of the Council of Ministers any matter on which a decision has been taken by a Minister but which has not been considered by the Council.

PART V

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

Consolidated Fund of the Union territory.

- 46. (1) As from such date as the Central Government may, by notification in the official Gazette, appoint in this behalf, all revenues received in the Union territory by the Government of India or the Lieutenant Governor in relation to any matter with respect to which the Legislative Assembly has power to make laws, and all grants made and all loans advanced to the Union territory from the Consolidated Fund of India and all moneys received by the Union territory in repayment of loans shall form one Consolidated Fund to be entitled "the Consolidated Fund of the Union territory of Daman and Diu—referred to in this Act as the Consolidated Fund of the Union territory.
- (2) No moneys out of the Consolidated Fund of the Union territory shall be appropriated except in accordance with and for the purposes and in the manner provided in the Act.
- (3) The custody of the Consolidated Fund of the Union territory the payment of moneys into such fund, the withdrawal of money therefrom and all other matters connected with or ancillary to those matters shall be regulated by rules made by the Lieutenant Governor with the approval of the President.

47. (1) There shall be established a Contingency Fund in the nature of an imprest to be entitled "the Contingency Fund of the Union territory of Daman and Diu" into which shall be paid from and out of the Consolidated Fund of the Union territory such sums as may, from time to time be determined by law made by the Legislative Assembly and the said Fund shall be held by the Lieutenant Governor to enable advances to be made by him out of such Fund.

Contingency Fund of the Union territory.

- (2) No advances shall be made out of the Contingency Fund referred to in sub-section (1) except for the purposes of meeting unforeseen expenditure pending authorisation of such expenditure by the Legislative Assembly under appropriation made by law.
- (3) The Lieutenant Governor may make rules regulating all matters connected with or ancillary to the custody of, the payment of moneys into, and the withdrawal of moneys from the aforesaid Contingency Fund.
- 48. The reports of the Comptroller and Auditor General of India relating to the accounts of the Union territory for any period subsequent to the date referred in sub-section (1) of section 46 shall be submitted to the Lieutenant Governor who shall cause them to be laid before the Legislative Assembly.

Audit Reports.

49. Notwithstanding anything in this Act, the Lieutenant Governor and his Council of Ministers shall be under the general control of, and comply with such particular directions, if any, as may from time to time be given by, the President.

Relation of Lieutenant Governor and his Ministers to President.

50. (1) Every order made by the President under article 239AB shall expire at the end of one year from the date of issue of the order and the provisions of clauses (2) and (3) of article 356 shall, so far may be, apply to such order as they apply to a proclamation issued under clause (1) of article 356.

Period of order made under article 239AB and approval thereof by

Parliament.

- (2) Notwithstanding anything contained in sub-section (1), the President may extend the duration of the aforesaid order for a further period not exceeding two years from the date of expiry of the order under sub-section (1) subject to the condition that every extension of the said order for any period beyond the expiration of one year shall be approved by resolutions of both Houses of Parliament.
- 51. Where the Legislative Assembly is dissolved or its functioning as such Assembly remains suspended on account of an order made by the President under article 239AB, it shall be competent for the President to authorise when the House of the People is not in session expenditure from the Consolidated Fund of the Union territory pending the sanction of such expenditure by Parliament.

Authorisation of expenditure by President.

52. For the removal of doubts it is hereby declared that-

Contracts and

- (a) all contracts in connection with the administration of the Union territory are contracts made in the exercise of the executive power of the Union; and
- (b) all suits and proceedings in connection with the administration of the Union territory shall be instituted by or against the Government of India.
- 53. (1) If any difficulty arises in relation to the transaction from the provisions of any law repealed by the Act or in giving effect to the provisions of this Act and in particular in relation to the constitution of the Legislative Assembly, the President may by order to anything not inconsistent with the provisions of the Constitution or of this act which appear to him to be necessary or expedient for the purpose of removing the difficulty:

Power of President to remove difficulties.

Provided that no order the sub-section shall be made after the expiry of three years from the date of constitution of the first Legislative Assembly.

(2) Every order made under sub-section (1) shall be laid before each House of Parliament.

Laying of rules before Legislative Assembly. Amendments to the Constitution.

Special provision with respect to Daman and Diu.

- 54. Every rule made by the Lieutenant Governor under this Act shall be laid, as soon as it made, before the Legislative Assembly.
 - 55. On and from the appointed day-
 - (a) after article 239AA, the following article shall be inserted, namely:—
 - "239AAA. (1) As from the date of Commencement of the Government of Union territory of Daman and Diu Act, 2000 the administrator of the Union territory of Daman and Diu appointed under article 239 shall be designated as the Lieutenant Governor.
 - (2) The provisions of articles 239AA and 239AB shall, so far as may be, apply mutatis mutandis in relation to the Union territory of Daman and Diu, Lieutenant Governor and the Legislative Assembly, as they apply in relation to the National Capital Territory of Delhi and its Legislature respectively.";
 - (b) in article 240, in clause (1), for the existing proviso, the following provisos shall be substituted, namely:—

"Provided that when any body is created under article 239A or 239AAA to function as a Legislature for the Union territory of Pondicherry or Union territory of Daman and Diu, as the case may be the President shall not make any regulation for the peace, progress and good government of that Union territory with effect from the date appointed for the first meeting of the Legislature:

Provided further that whenever the body functioning as a Legislature for the Union territory of Pondicherry or Union territory of Daman and Diu as the case may be, is dissolved or the functioning of that body as such legislature remains suspended on account of any action taken under any such law as is referred to in clause (1) of article 239A or 239AB, as the case may be, the President may, during the period of such dissolution or suspension, make regulations for the peace, progress and good government of that Union Territory."

- (c) In the Fourth Schedule to the Constitution, in the Table,
- (a) entries 26 and 27 shall be re-numbered as entries 27 and 28, respectively and before the entry 27 as so renumbered, the following entry shall be inserted, namely:—
 - "26. Daman and Diu...... 1";
 - (b) for the figures, "233", the figures "234" shall be substituted.
- 56. In section 27A of the Representation of People Act 1950, after sub-section (4), the following sub-section shall be inserted, namely:—
 - "(5) The electoral college for the Union territory of Daman and Diu shall consist of the elected members of the Legislative Assembly constituted for that territory under the Government of Union territory Daman and Diu Act, 2000."

THE SCHEDULE

(See sections 4, 12 and 43)

FORMS OF OATH OR AFFIRMATIONS

Ī

Form of oath or affirmation to made by a candidate for election to the Legislative Assembly:--

"I, AB, having been nominated as a candidate to fill a seat in the Legislative Assembly, do swear in the name of God/solemnly affirm that I bear true faith and

allegiance to the Constitution of India as by law established and that I will uphold the sovereignty and integrity of India.

П

Form of oath or affirmation to be made by a member of the Legislative Assembly:—

"I, AB, having been elected a member of the Legislative Assembly, do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, and that I will faithfully discharge the duty upon which I am about to enter."

Ш

Form of oath of office of a member of the Council of Ministers:—

"I, AB, do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will faithfully and conscientiously discharge my duties as a Minister, and that I will do right to all marger of people in accordance with the Constitution and the law without fear or favour, affection or ill-will."

ΙV

Form of oath of Secrecy for a member of Council of Ministers:—

"I, AB, do swear in the name of God/solemnly affirm that I will not directly or indirectly communicate or reveal to any person or persons any mother which shall be brought under my consideration or shall become known to me as a Minister except as may be required for the due discharge of any duties as such Minister."

STATEMENT OF OBJECTS AND REASONS

Even after 52 years of Independence, the Union territory of Daman and Diu has not been provided with a democratic set up with a Legislative Assembly for the governance of the affairs of the Union territory Administration. All powers are vested in the Lieutenant Governor and the bureaucracy continues to reign supreme. In the absence of Legislative Assembly with devolution of powers, the people of the islands are not able to have a sense of belonging and involvement in the developmental activities of the islands and do not have a say in the utilisation of the funds provided by the Central Government in proper perspective.

The type of administration provided to the Union territory is not at all befitting to a democratic set-up and devolution of powers. The population of the Union territory has crossed four lakhs mark and the literacy percentage is well over the national average and is steadily heading towards achieving cent percent. literacy as per norms prescribed by the Government of India.

However, despite of all these favourable points the people of the Union territory did not get administrative set-up of their own choice mainly due to unforesighted views of the Central Government. They deserve a political set-up on the same line as Delhi and Pondicherry.

There have been series of demands from the people of the Union territory for providing a Legislative Assembly on the line of the set-up in Delhi and Pondicherry. The people of the island territory are unanimous in this regard. Now, since a three-tier Panchayati Raj system is also in offing in pursuance of the Constitution (Seventy-third Amendment) Act, with the idea of devolution of powers at Panchayat, block and district levels, it is high time that a Legislative Assembly was provided to set the tone and direction for the governance of the Union territory Administration on democratic norms.

The Bill seeks to achieve the aforesaid objectives.

New Delhi; *July*, 28, 2000.

DAYABHAI V. PATEL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of a Legislative Assembly for the Union territory of Daman & Diu. Clauses 7(5), 19 and 43(3) relate to payment of salaries and allowances to the Speaker, the Deputy Speaker, Members of the Legislative Assembly and the Ministers. The expenditure on such salaries and allowances and other expenditure of incidental nature such as on the additional staff in the Legislative Assembly and Council of Ministers will be met from the Consolidated Fund of the Union territory of Daman and Diu.

Clause 38 provides for the delimitation of thirty single member territorial constituencies for the proposed Assembly of the Union territory of Daman and Diu. Clause 55 provides that Union territory of Daman and Diu will be represented by one member in the Council of States. For this purpose, a non-recurring expenditure of about rupees fifteen lakhs is likely to be incurred. This expenditure will be met from the Consolidated Fund of India.

The Bill does not involve any other expenditure whether of a recurring or non-recurring nature.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 33 of the Bill empowers the Legislative Assembly of the Union territory of Daman and Diu to make rules, subject to the provisions of this Bill, for regulating its procedure and conduct of its business. It also provides that the Lieutenant Governor shall, after consultation with the Speaker of the Legislative Assembly and with the approval of the President make rules for securing the completion of the financial business, regulating the procedure and conduct of business in the Legislative Assembly in relation to any financial matter or to any Bill for appropriation of moneys out of the Consolidated Fund of the Union territory of Daman and Diu and for prohibiting the discussion of or asking any question which affect the discharge of the functions of the Lieutenant Governor in so far as he is required to act in his discretion.

Clause 44 empowers the President to make rules regarding allocation of business to Ministers and transgeneous of such business. It further empowers the Lieutenant Governor to make rules providing the manner of authenticating the orders issued in his name.

Clauses 46(3) and 47(3) provide that the Lieutenant Governor may make rules regarding the custody. Sec. of the Consolidated Fund of the Union territory of Daman and Diu and the Contingency Fund of the Union territory of Daman and Diu.

BILL No. 157 of 2000

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2000.

Short title.

- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
 - 2. After article 30 of the Constitution, the following article shall be inserted namely:—

"Right to Dwelling Unit

Insertion of new article

31. (1) Every citizen shall have the right to live in his own dwelling unit.

Right to dwelling unit.

(2) No such dwelling unit shall be acquired or requisitioned by the State for any purpose except according to procedure established by law or demolished without providing a suitable alternative dwelling unit.

Explanation:—For the purpose of this article, "dwelling unit" includes a Jhuggi-Jhopri or house built in any area.".

STATEMENT OF OBJECTS AND REASONS

The disparity among the rich and the poor is increasing day-by-day. It has come to the notice that the number of people living below poverty line has substantially increased. The poor are losing their property including their dwelling units at the hands of the rich and they are compelled to lead a miserable and shelterless life which is a curse on the humanity. In India, a dwelling unit is almost one time investment which costs more than fifty percent of the life time saving of an ordinary person. The poor saves money by virtually remaining half-fed and use it to build a dwelling unit. On the other hand, their contribution to the society is very significant. In creation of any infrastructure, the toil of the poor people is involved. All factories are being run by them. It is a shame for the humanity that the provider of roof to millions, does not find a roof for himself due to faulty policy and inaction of the Government. Government agencies which are supposed to engage in constructive activities are often found engaged in destructive activities i.e. demolition of dwelling units of the poor people in the name of beautification and development of cities without providing alternative shelter to displaced persons. Recent drives of demolition of jhuggi-jhopri clusters or houses in unauthorised colonies in New Delhi have deprived many poor people of their houses.

Therefore, to safeguard against deprivation of the dwelling units particularly of people below poverty line who build their houses on the basis of their life time saving, it is proposed to insert a new article 31 in the Constitution.

Hence, this Bill.

New Delhi; August 3, 2000.

RAGHUVANSH PRASAD SINGH

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that alternate accommodation shall be provided to persons whose dwelling units are acquired or demolished. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India in respect of Union territories. As far as expenditure in respect of States, the expenditure will be borne by State Governments. It is likely that an annual recurring expenditure of about rupees ten crore will be involved. Non-recurring expenditure to the tune of rupees fifty crore is also likely to be involved.

BILL No. 153 of 2000.

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2000.

Short title.

2. Article 130 of the Constitution shall be renumbered as clause (1) thereof and after clause (1) as so renumbered the following clause shall be inserted, namely:—

Amendment of article 130.

"(2) There shall be established a permanent bench of the Supreme Court at Hyderabad, consisting of such number of judges of the Supreme Court as the Chief Justice of India may from time to time determine, but not less than five in number, to exercise the powers and jurisdiction for the time being vested in the Supreme Court in respect of cases arising in the States of Andhra Pradesh, Karnataka, Kerala and Tamil Nadu and Union territory of Pondicherry.".

STATEMENT OF OBJECTS AND REASONS

The Supreme Court, the apex Court of justice in the country is located in Delhi. The litigant public have to come to Delhi in connection with their cases in Supreme Court. Countless other people have also to come to Delhi in response to the summons of the Supreme Court.

India being such a vast country, all such visits to the Supreme Court from far off places exact a very high cost in terms of time and money on litigants. This is more so, in case of people coming from southern India. From the administrative point of view also serving of notices, paper work, postal exigencies in regard to distant places are leading to staggering of cases, postponement, exparte decisions, etc., the major reasons behind delays in delivery of justice.

Under the circumstances creation of a bench of the Supreme Court in southern India is the need of the hour.

Hyderabad the cyber city of the nation is ideally suited for the purpose as it is almost midway through Delhi and southern most point of the country. Having infrastructure and other facilities, it is also being well connected both within the region and with Delhi.

In case a bench of Supreme Court is set up here it would not only save time and money of the litigants but also help in expeditious disposal of cases.

The Bill accordingly seeks to amend the Constitution of India.

New Delhi; August 3, 2000 UMMAREDDY VENKATESWARLU

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for establishment of bench of the Supreme Court at Hyderabad. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees fifty lakhs per annum.

A non-recurring expenditure of about rupees five crore is also likely to be involved.

BILL No. 150 of 2000

A Bill further to amend the Income-Tax Act, 1961.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Income-Tax (Amendment) Act, 2000.

Short title and commencement.

- (2) It shall be deemed to have come into force from 1st April, 2000.

2. In section 10 of the Income-Tax Act, 1961, after clause (10AA), the following clause shall be inserted, namely:--

Amendment of section 10

"(10AB). Any payment in the form of dearness allowance or allowance to meet increase in the cost of living received by an employee of-

- (i) Central Government; or
- (ii) a State Government; or
- (iii) Public Sector Undertaking; or
- (iv) local authority; or
- (v) an educational institution maintained out of State funds; or
- (vi) statutory authority; or
- (vii) an autonomous body.

43 of 1961

STATEMENT OF OBJECTS AND REASONS

At present, the dearness allowance received by employees of Government and other organisations are considered as income and subject to tax. Actually dearness allowance is given to meet the increasing cost of living. This is calculated after taking into account prices of all essential commodities at a particular time. Already there is a resentment that hundred percent, compensation is not given to employees by way of dearness allowance. Apart from this, it is also taxable. As a result, low paid employees have come under the tax net. It is but appropriate that dearness allowance should be exempted from taxation.

The Bill accordingly seeks to amend the Income-tax Act, 1961.

New Delhi; July 24, 2000. ANANDRAO VITHOBA ADSUL

PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117 AND 274 OF THE CONSTITUTION OF INDIA

[Copy of letter No. 155/98/2000-TPL, dated 10 August, 2000 addressed to the Secretary-General, Lok Sabha by Shri Yashwant Sinha, Minister of Finance].

The President, having been informed of the subject matter of the Income-tax (Amendment) Bill, 2000 (Amendment of section 10) by Shri Anandrao Vithoba Adsul, Member of Parliament, has recommended under articles 117(1) and 274(1) of the Constitution the introduction of the Bill in Lok Sabha.

BILL No. 151 of 2000

A Bill to provide for the establishment of a permanent Bench of the Supreme Court at Hyderabad.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:-

1. This Act may be called the Supreme Court of India (Establishment of a Permanent Bench at Hyderabad) Act, 2000.

2. There shall be established a permanent Bench of Supreme Court of India at Hyderabad and such number of Judges, as the Chief Justice of India may from time to time determine, shall sit at Hyderabad in order to exercise the jurisdiction and power

for the time being vested in the Supreme Court in respect of cases arising in the southern States of the country.

Short title.

Establishment of a permanent Bench of Supreme Court at Hyderabad.

STATEMENT OF OBJECTS AND REASONS

There has been a persistent demand for setting up of a permanent Bench of a Supreme Court outside Delhi as great hardship is caused to common man in Southern States who have to visit Delhi and incur heavy expenses in addition to the extra expenditure in meeting the expenses for lawyers etc. This also involves lot of expenditure in appointing lawyers locally who demand exorbitant as compared to their southern counterparts. In addition, the arrears in the Supreme Court are also increasing every day. Setting up of a permanent Bench of Supreme Court at Hyderabad will help in reducing the expenses of each State or person of southern States and to some extent it will also reduce the burden of the Supreme Court in providing speedy justice.

Hence it is necessary to establish a permanent Bench of Supreme Court at Hyderabad.

New Delhi; June 26, 2000 Y. S. VIVEKANANDA REDDY

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. K. 15019/4/2000-US-I, dated 21 August, 2000 addressed to the Secretary-General, Lok Sabha by Shri Arun Jaitley, Minister of State of the Ministry of Law, Justice and Company Affairs].

The President, having been informed of the subject matter of the Supreme Court of India (Establishment of a Permanent Bench at Hyderabad) Bill, 2000 by Shri Y. S. Vivekananda Reddy, M.P., recommends under clauses (1) and (3) of article 117 of the Constitution, the introduction and consideration, respectively, of the Bill in Lok Sabha.

FINANCIAL MEMORANDUM

Clause 2 of the Bill, provides for the establishment of a permanent Bench of the Supreme Court of India at Hyderabad. The Bill, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of India. It is not possible to estimate, at this stage, the exact amount of expenditure that will be involved. However, a recurring expenditure of about rupees fifty lakh is likely to be involved.

A non-recurring expenditure of about rupees thirty lakh may be involved for the construction of building of the Court, etc. and appointment of some staff members.

G. C. MALHOTRA, Secretary-General.